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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
DEPARTMENT OF CONSUMER AFFAIRS
FOR THE BUREAU OF VOCATIONAL NURSING & PSYCHIATRIC TECHNICIANS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2003-847

KIMBERLY LOUISE LONG
391 Cabrillo Circle
Corona, CA 92879

A C C U S A T I O N

Vocational Nurse License No. VN 196424

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this
Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational
Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about August 30, 2001, the Bureau of Vocational Nursing and
Psychiatric Technicians issued Vocational Nurse License Number VN 196424 to Kimberly
Louise Long (Respondent). The Vocational Nurse License was in full force and effect at all
times relevant to the charges brought herein and will expire on November 30, 2010, unless
renewed.

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2 (f) Conviction of a crime substantially related to the qualifications,
3 functions, and duties of a licensed vocational nurse, in which event the record of
4 the conviction shall be conclusive evidence of the conviction.

5 9. California Code of Regulations, title 16, section 2521, states:

6 For the purposes of denial, suspension, or revocation of a license pursuant
7 to Division 1.5 (commencing with Section 475) of the Business and Professions
8 Code, a crime or act shall be considered to be substantially related to the
9 qualifications, functions or duties of a licensed vocational nurse if to a substantial
10 degree it evidences present or potential unfitness of a licensed vocational nurse to
11 perform the functions authorized by his license in a manner consistent with the
12 public health, safety, or welfare. Such crimes or acts shall include but not be
13 limited to those involving the following:

14 (a) Procuring a license by fraud, misrepresentation, or mistake.

15 (b) A conviction of practicing medicine without a license in violation of
16 Chapter 5 of Division 2 of the Business and Professions Code.

17 (c) Violating or attempting to violate, directly or indirectly, or assisting in
18 or abetting the violation of, or conspiring to violate any provision or term of
19 Chapter 6.5, Division 2 of the Business and Professions Code.

20 (d) Aiding or assisting, or agreeing to aid or assist any person or persons,
21 whether a licensed physician or not, in the performance of or arranging for a
22 violation of any of the provisions of Article 13, Chapter 5, Division 2 of the
23 Business and Professions Code.

24 (e) Conviction of a crime involving fiscal dishonesty.

25 (f) Any crime or act involving the sale, gift, administration, or furnishing
26 of "narcotics or dangerous drugs or dangerous devices" as defined in Section
27 4022 of the Business and Professions Code.

28 10. California Code of Regulations, Title 16, section 2522.5 states:

(a) When considering the suspension or revocation of a license on the
ground that a licensed vocational nurse has been convicted of a crime, the Board,
in evaluating the rehabilitation of such person and his eligibility for a license will
consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or
offense(s).

- 1 (4) Whether the licensee has complied with any terms
2 of parole, probation, restitution, or any other
3 sanctions lawfully imposed against the licensee.
4 (5) If applicable, evidence of expungement proceedings
5 pursuant to Section 1203.4 of the Penal Code.
6 (6) Evidence, if any, of rehabilitation submitted by the
7 licensee.

8 11. Section 125.3 of the Code provides, in pertinent part, that the Bureau may
9 request the administrative law judge to direct a licensee found to have committed a violation or
10 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
11 and enforcement of the case.

12 **CAUSE FOR DISCIPLINE**

13 **(December 27, 2005 Criminal Conviction for
14 Second Degree Murder on October 6, 2003)**

15 12. Respondent has subjected her license to disciplinary action under sections
16 490 and 2878, subdivision (f) of the Code in that Respondent was convicted of a crime that is
17 substantially related to the qualifications, functions, and duties of a licensed vocational nurse.
18 The circumstances are as follows:

19 a. On or about December 27, 2005, in a criminal proceeding entitled
20 *People of the State of California v. Kimberly Louise Long*, in Riverside County Superior Court
21 case number RIF113354, Respondent was convicted by a jury of violating Penal Code section
22 187, subdivision (a), second degree murder, a felony.

23 b. As a result of the conviction, on or about February 4, 2006,
24 Respondent was sentenced to 15 years to life in state prison (with credit for 116 days), and
25 restitution in the amount of \$16,896.07. Respondent appealed the conviction in the California
26 Court of Appeal, Fourth Appellate District, Division Two, case number E039986, and was
27 released on bail pending the outcome. In an unpublished decision issued November 21, 2008,
28 the appellate court affirmed the judgment and upheld the conviction.

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c. The facts that led to the conviction were that on or about October 5, 2003, Respondent and her live-in boyfriend (the murder victim) spent the day riding motorcycles and visiting restaurants and bars. Respondent estimated she drank 12 beers and 10 shots of hard liquor over the course of the day. A fight erupted between Respondent and the victim and a mutual friend intervened. Respondent was taken to her residence. When the victim and their mutual friend arrived home later, Respondent engaged the victim in another fight in their driveway which escalated into physical violence with Respondent as the aggressor. Their mutual friend took Respondent to his house, where she complained about the victim and how angry he made her. After engaging in sexual activity, the friend returned Respondent to her residence at approximately 1:20 a.m. on October 6, 2003. At 2:09 a.m., Respondent called 9-1-1 to report that she had just arrived home and found her boyfriend with blood all over his face and that something had happened to her house. Respondent hung up on the 9-1-1 operator but called back indicating that despite being an emergency room nurse, she could not render medical aid. Police officers arrived at approximately 2:14 a.m. and found the victim sitting on a sofa with a head injury. At 2:20 a.m. paramedics determined the victim was deceased; he died from blunt force trauma to the back of the skull caused by a long, slender object like a large stick, bat, or golf club. There were three to eight impact wounds to the victim's head. There were no defensive wounds; the victim was attacked where he was found on the sofa. Respondent claimed the victim was still breathing when she arrived home, however, evidence showed the assault occurred earlier than she reported. The jury also heard evidence of Respondent's numerous uncharged acts of domestic violence against her ex-husband, including an instance where she swung a bat at him.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein
3 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 4 1. Revoking or suspending Vocational Nurse License Number VN 196424
5 issued to Kimberly Louise Long;
6 2. Ordering Kimberly Louise Long to pay the Bureau of Vocational Nursing
7 and Psychiatric Technicians the reasonable costs of the investigation and enforcement of this
8 case, pursuant to Business and Professions Code section 125.3;
9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: December 3, 2008
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13 TERESA BELLO-JONES, J.D., M.S.N., R.N.
14 Executive Officer
15 Bureau of Vocational Nursing & Psychiatric Technicians
16 Department of Consumer Affairs
17 State of California
18 Complainant

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